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SENATE BILL 393 By  
Cohen

HOUSE BILL 1002  
By Odom

AN ACT to amend Tennessee Code Annotated, Title 11, Chapter 4,  
to enact the "Tennessee Sustainable Forest Management  
Act of 1997".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 4, is amended by adding  
Sections 2 through 9 inclusive of this act as a new part, to be appropriately designated.

SECTION 2. This act shall be known and may be cited as the "Tennessee Sustainable  
Forest Management Act of 1997".

SECTION 3. It is the finding of the general assembly that the state forests of Tennessee  
are an invaluable asset to the citizens of this state and should be managed for their  
recreational, ecological and economic benefits for present and future generations. Reserving  
the state forests for these purposes will provide a wide range of recreational opportunities,  
provide diverse wildlife habitat, enhance the economic benefits of tourism, improve biodiversity,  
protect air and water quality, and provide opportunities for scientific studies and education  
regarding native forest ecosystems. The vast majority of Tennessee's thirteen million  
(13,000,000) acres of forest are private in ownership, and the private forests of Tennessee are  
sufficient to furnish the forest industry with an adequate supply of raw materials for product  
utilization. Nothing in this act is intended to regulate silvicultural practices on private lands.

SECTION 4. In an effort to promote the beauty of the state forests and to plan for their  
recreational use, the governor shall convene representatives from the department of tourism,

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the division of forestry and the department of environment and conservation and present a written plan to the senate environment, conservation and tourism committee no later than February 1, 1998. The plan shall include, but not be limited to, the following: the type and kind of recreational activities each state forest could support; unique ecological, geological, historical or archeological sites on each state forest; fragile or other special areas which would need protection; a proposed budget for the promotion of recreational and ecological values including a funding structure; and measures to insure minimum impacts to air and water quality and wildlife from increased visitation and use of state forest lands.

Upon receipt of the plan, the senate environment, conservation and tourism committee will make the document available to interested members of the public and promptly schedule hearings to take comments from the public. Upon conclusion of the hearings, the committee shall prepare and submit its report and recommendations to the general assembly.

#### SECTION 5.

(1) The division of forestry shall conduct or cause to be conducted an inventory to identify old growth or potential old growth areas on each of the state-owned forest lands for multiple recreation, public enjoyment, biodiversity, wildlife habitat, watershed protection and other values beyond those associated with timber harvest. Potential old growth is defined as forest areas which have not been harvested within the past fifty (50) years. The inventory shall also identify unique geological, ecological, historical and archeological (including Native American) areas or sites. The inventories shall be accomplished through mapping and on-the-ground identification procedures.

(2) Upon the completion of the inventory of each forest, the division shall advertise and give notice in local newspapers and in a newspaper in each of the major metropolitan areas within the state of a public hearing and hold the public hearing in a community near the state forest inventoried. The division shall present to the public for comment a complete report of the old growth or potential old growth areas and other

unique sites identified. The public shall be allowed to review the inventory report and to make oral and written comment about any aspect of the inventory, areas identified, and any issue relevant to the management of the state forests. All public comment shall be carefully recorded and published as part of the report. The report shall be submitted to the house agricultural committee, the senate environment, conservation and tourism committee and the senate commerce, labor and agriculture committee, in the year completed. Upon completion of each inventory and public comment period, the division of forestry shall establish protective zones around the old growth (biodiversity) reserves identified in each state forest, and protect those reserves in perpetuity. Old growth (biodiversity) reserves shall not be subjected to timber harvest, but managed for retention of old growth ecosystems.

(3) The division of forestry shall have ten (10) years from the enactment of this act within which to complete all inventories on each state forest, to hold public hearings and to submit final reports to the general assembly. It is the intention of the general assembly that during the ten (10) year period in which the division is conducting the inventories and completing the reports, there shall be no timber sold or offered for sale on any state-owned forest land except for timber harvested in demonstration programs administered in accordance with Section 6 of this act.

SECTION 6. Following the establishment of the old growth (biodiversity) reserves, other state forest lands found suitable for timber harvest, taking into consideration the primary purposes of the state forests as defined in Section 3 of this act, may be harvested for the purpose of establishing demonstration plots, removal of damaged or diseased trees, or construction of roads or facilities, or for other purposes consistent with the uses stated in Section 3 of this act; provided that the division of forestry shall not harvest more than 0.15% (fifteen hundredths of one percent) of the total acreage of each forest each year.

SECTION 7. The general assembly recognizes that the thirteen (13) state forests administered by the division of forestry present exceptional statewide opportunities to demonstrate a variety of sustainable management methods. To specifically assist landowners in understanding and selecting appropriate forest management strategies for use on private lands and to educate the public concerning forest resource values, the division of forestry shall develop a plan for a forest management demonstration program. The demonstration program will feature a broad range of management objectives including best management practices and uneven-age silvicultural techniques for respective forest resource conditions and situations. As part of the demonstration program, the division shall develop on-site interpretation techniques, including self-guided and staff-supported tours, outdoor classrooms, exhibits, signage, reference materials, and other appropriate interpretative devices. The division will work with the state department of education to develop educational programs for students in grades kindergarten through twelve (K-12) which make appropriate use of the forestry and biodiversity data accumulated. The demonstration program should emphasize information and education efforts which assist the private forest landowner, as well as the general public, in better understanding costs, benefits, and tradeoffs over time associated with the selection of specific forest management strategies. In developing the demonstration program, the division should, to the extent practicable, incorporate forest management activities on state forest and other public as well as private forest lands into the educational and interpretive programs of the state forest system. The purpose of such cooperation is to augment the demonstration and education activities on state forests. Such cooperation is entirely voluntary and would occur only at the discretion and approval of the other public and private forest managers and landowners. It is the intent of the general assembly that the demonstration program complement the multiple resource management purposes of the state forest's system as stated in Section 3 of this act, and does not replace, eliminate, or prevent the application of scientifically based and responsibly administered timber production, watershed protection, improvement of wildlife

habitat, recreational use, recreational development and other resource management objectives. In developing the demonstration program, the division shall work with the University of Tennessee Institute of Agriculture, and shall invite participation by the general public, the state department of education, environmental organizations, conservation groups, and the forest products industry. The division of forestry shall prepare a report containing procedures, recommendations, and a time line for the development of the demonstration program, and shall submit the report to the members of the house agriculture committee, the senate environment, conservation and tourism committee and the senate commerce, labor and agriculture committee not later than February 1, 1998.

SECTION 8. The general assembly finds that measures are needed to encourage the expansion of forest products technology through research, demonstration and market development, and to promote the efficient and sustainable use of forest resources. To promote such efforts, the University of Tennessee Institute of Agriculture shall evaluate the feasibility of establishing a forest products laboratory and technology development center. The intent of the center is to conduct appropriate research, development, and demonstration activities that assess wood fiber and other forest products utilization opportunities for Tennessee's forest resource. Activities of the center shall include, but are not limited to, identification and evaluation of new technology, analysis of market development potential, resource utilization efficiency assessments, non-wood fiber crops for paper production, ecological assessments, reuse of wood wastes, and related research efforts. The center would place a high priority on (forest) utilization technologies and opportunities which are consistent with the principles of sustainable, responsible and multiple use stewardship. The University of Tennessee shall prepare a report on the feasibility of establishing the forest products laboratory and technology development center and shall submit the report to the members of the house agriculture committee, the senate environment, conservation and tourism committee and the senate commerce, labor, and agriculture committee not later than February 1, 1998. The report shall

recommend the scope of services, programs, and projects that can be accomplished by the center and shall contain findings and recommendations, including, but not limited to, staffing, operations, equipment, maintenance, and capital outlay requirements as may be necessary to establish the center.

SECTION 9. In order to accomplish the purposes of this act, the division of forestry shall invite the participation of the general public, forest resource interest groups, the forest industry and other organizations or individuals involved in forest resource management issues in Tennessee.

SECTION 10. This act shall take effect July 1, 1997, the public welfare requiring it.